

Worcester City Council

UNREASONABLE CUSTOMER BEHAVIOUR POLICY

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Unreasonable Customer Behaviour Policy

1. Introduction

- 1.1 Worcester City Council provides a wide variety of services to customers across the city and uses a range of different ways to do so: face to face, by telephone and in writing.
- 1.2 All Council representatives have the right to work in an environment which is safe and protects their wellbeing. Also, the Council has a duty to manage its resources carefully so that good levels of service delivery can be offered to all customers who require it.
- 1.3 Sometimes behaviour by individual customers becomes unreasonable. This Policy sets out how this will be managed. The other Policies set out in section 8 below may also be used, depending on the circumstances.
- 1.4 Where a customer has special access requirements under the Equality Act 2010, these will be fairly taken into account by the Council's representatives when they apply this Policy.

2. Scope and definitions

- 2.1 This Policy applies to all Council representatives, who are people undertaking Council responsibilities, whether they are employees, workers, councillors, volunteers, contractors. This Policy applies to customers and anyone representing them in their contact with the Council. For the purpose of this Policy, a customer is anyone who is seeking or receiving contact from the Council.
- 2.2 This Policy applies to all forms of contact with customers, whether face to face in a Council building or elsewhere in the city. It applies to all telephone calls, emails, letters, online contact including social media and any other forms of contact between a Council representative and a customer.
- 2.3 The Council uses this Policy to define unreasonable behaviour so that Council representatives and customers can have a clear and shared understanding. Any definition of unreasonable behaviour, and policy on how it should be managed, must always be read alongside current law and best practice guidance including from regulatory organisations such as the Local Government and Social Care Ombudsman. Legal advice will be sought in individual cases as necessary.
- 2.4 The Council defines three categories of unreasonable behaviour. These may in some cases overlap. Recognising the potential differences between them, and how they should be managed, is intended to be helpful to Council representatives as well as to customers.

- Unreasonably Persistent Behaviour
- Unacceptable Behaviour
- High Risk Behaviour

2.5 The examples given below are not an exhaustive list.

3. Unreasonably Persistent or Vexatious Behaviour

- 3.1 Unreasonably Persistent or Vexatious Behaviour is described as someone trying to dominate the Council's attention with frequent, lengthy contacts and/or repetitive information. It also includes frequent requests which are frivolous in nature or based on fictitious claims or a distortion of factual information.
- 3.2 If a Council representative thinks the nature or frequency of a customer's contact is unwarranted and unhelpful, they should normally discuss this with their supervisor who will consider appropriate steps towards moderating the customer's behaviour. This can include a referral to the relevant Head of Service who can decide whether to restrict their access to the service.
- 3.3 Wherever possible, a customer will be told in writing if their behaviour is considered to be Unreasonably Persistent or Vexatious. It is not necessary for the Council's representatives to respond in order to re-state this fact in every following contact that the customer attempts to have with the Council.
- 3.4 Appropriate notes will be placed on the relevant service case recording system in order to alert other Council representatives within that service area, who may have to deal with the person in question. Ordinarily, this information will not be shared across multiple Council service areas unless the relevant Head of Service considers it necessary to do so.

4. Unacceptable Behaviour

- 4.1 Unacceptable Behaviour includes behaviour which is deceitful, offensive, abusive, personally intrusive, threatening, or similar actions that adversely affect the capacity and /or well-being of Council representatives or customers.
- 4.2 Unacceptable Behaviour could also include insisting on dealing with, or not dealing with, a particular Council representative. It could also include insisting on video or audio recording of Council representatives unless it is a reasonable adjustment under the Equality Act 2010.
- 4.3 Any breach of one of the other Policies listed below could constitute Unacceptable Behaviour.

- 4.4 If a customer shares offensive or abusive material with a Council representative, it should be discussed with [their supervisor] who will then consider whether it is necessary to write to the person to draw attention to the offensive remarks and ask them to stop.
- 4.5 In addition, the behaviour of complainants during telephone calls may be deemed to be unacceptable. Where offensive or abusive remarks are made, the Council's representative is entitled to highlight this and ask the caller to stop otherwise their call may be brought to a close. If this continues, then it is acceptable for the Council's representative to prematurely finish the call. If a Council representative ends the contact with the customer for these reasons, they will record the incident and flag it with their supervisor.
- 4.6 If a Council representative thinks the customer is exhibiting Unacceptable Behaviour, then they will discuss this with their supervisor who will consider appropriate steps towards moderating the customer's behaviour. This can include a referral to the relevant Head of Service who can decide whether to restrict their access to the service.
- 4.7 Wherever possible, a customer will be told in writing if their behaviour is considered to be Unacceptable Behaviour and what restrictions this will mean for them contacting the Council. It is not necessary for the Council's representatives to respond in order to re-state this fact in every following contact that the customer attempts to have with the Council.
- 4.8 Appropriate notes will be placed on the relevant service case recording system in order to alert other Council representatives within that service area, who may have to deal with the person in question. Ordinarily, the only information which will be shared across multiple Council service areas will be the name of the customer and the fact of the behaviour designation, unless the relevant Head of Service considers it necessary to share additional information.

5. High Risk Behaviour

- 5.1 High Risk Behaviour is behaviour by a customer which poses a threat to the personal safety or wellbeing of individuals, who may be Council representatives, the customer themselves, or other people. This may include actual or threatened violence, aggression, intimidation, personal harassment, or other harm.
- 5.2 Any Council representative who feels their personal safety is immediately at risk is entitled to withdraw themselves from contact with the customer. All concerns about potential High-Risk Behaviour from customers will be referred to the relevant Head(s) of Service who will assess and determine what safeguards should be put in place. These could include withdrawing Council services, limiting or ceasing

personal contact and/or specifying how or where customer interactions can take place.

- 5.3 Wherever possible, a customer will be told in writing if their behaviour is considered by the Council to be High Risk. The customer will also be informed what steps are considered necessary by the Council to share their information within the Council to keep people safe.
- 5.4 At any time, the Council may also refer allegations about the customer's behaviour to the police or other statutory agencies as appropriate.

6. Warnings, Reviews and Appeals

- 6.1 The Council recognises that some customers will want to change their behaviour if they are advised that it is a concern and is likely to limit their access to Council services. So, where it is appropriate to do so, the Council's representatives will give the customer a warning that their behaviour is likely to be designated as unreasonable under this Policy. Sometimes however, it will not be appropriate or safe for the Council's representatives to provide a warning.
- 6.2 Any behaviour designated in one of the three categories above will be reviewed by the relevant Head of Service at least annually. Records will be kept in accordance with the Council's records management policy.
- 6.3 A customer may appeal any initial designation using the Council's Customer Feedback and Complaints Policy. They may also use that policy to request and provide evidence that their behaviour has subsequently changed, and that the designation should be lifted.

7. Data Protection

- 7.1 The Council's data protection privacy notice accompanies this Policy.

8. Relationship to other Council Policies

- Customer Feedback and Complaints
- Customer service standards and local charters
- Equalities Policy
- Dignity at Work
- Corporate Health Safety and Welfare Policy
- Data Protection
- [Access to Information- FOI, EIR]